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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,140	11/07/2001	Masanori Gunji	P284090 T4HW-01S1386-1	4652
909	7590	09/29/2005	EXAMINER FLETCHER, JAMES A	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,140

Applicant(s)

GUNJI ET AL.

Examiner

James A. Fletcher

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Claim 2 is objected to because of the following informalities: The claim recites the language "creating a thumbnail form a top picture..." The examiner believes the claim should read --creating a thumbnail from a top picture...--
2. Claim 3 is objected to because of the following informalities: The claim recites the language "the thumbnail creator stores a creating thumbnail..." The examiner believes the claim should read --the thumbnail creator stores a created thumbnail...--
3. Claim 4 is objected to because of the following informalities: The claim recites the language "wherein the pausing director including a remote controller having a pause button." The examiner believes the claim should read --wherein the pausing director includes a remote controller having a pause button. --

The claims will be analyzed and discussed as though they were written as the examiner believes they should be written. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Peters et al (6,058,236).

Regarding claims 1 and 6, Peters et al disclose an apparatus and method for recording video data on recording medium having a chapter information recording area comprising:

- a recording processor recording video data on the recording medium (Col 1, lines 12-13 "The Invention belongs to the field of audio and video recording");
- a pausing director directing a temporary halt of a recording operation to the recording processor (Col 2, lines 58-59 "Starting and stopping the recording process uses techniques known in the art");
- a chapter manager automatically storing a position information of the video data to the chapter information recording area as a chapter boundary information of the video data when a recording process of the recording processor is temporarily halted by the direction of the pausing director (Col 3, lines 16-20 "The logged information could include...start and stop timecodes...The logged information is stored with the clips").

Regarding claim 5, Peters et al disclose an apparatus for recording video data on recording medium having a chapter information recording area wherein the pausing director automatically executes a pausing operation upon a detection that audio signal of the video data has changed from a monophonic signal to a stereophonic signal (Col 3, lines 16-18 "The logged information could include...number of audio channels")

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al.

Regarding claim 4, Peters et al disclose an apparatus for recording video data on recording medium having a chapter information recording area, but are silent on the description of the pausing director including a remote controller having a pause button.

The examiner takes official notice that remote controllers having a pause button are notoriously well-known, widely used, and commercially available, and provide the user with a convenient means of controlling the recording and reproduction of program on a medium.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Peters et al to include the use of a remote control having a pause button.

8. Claims 2-3 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al as applied to claims above, and further in view of Takemoto (6,335,742).

Regarding claims 2 and 7, Peters et al disclose an apparatus for recording video data on recording medium having a chapter information recording area when the recording processor restarts the recording operation after the temporary halt (Col 3, lines 16-20 "The logged information could include...start and stop timecodes...The

logged information is stored with the clips”), but is silent on the creation of a thumbnail as an indicator of the chapter information..

Takemoto teaches the automatic generation of thumbnails representative of image data in various clips (Col 10, lines 64-67 “If ‘SELECT ALL IN FOLDER’ is selected, thumbnails are created for all the image data in the selected folder”.

As taught by Takemoto, thumbnails are well known and widely used tools for determining which image data is the one desired by the user of an editor or playback device, permitting ease of selection of the desired clip or image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Peters et al to include the generation of thumbnail images representative of image data in a file.

Regarding claims 3 and 8, Peters et al disclose an apparatus for recording video data on recording medium having a chapter information recording area that stores indexing data on the medium (Col 3, lines 16-20 “The logged information could include...start and stop timecodes...The logged information is stored with the clips”), but does not specifically disclose storing thumbnail images.

Takemoto teaches the storage of thumbnail images data with the image data stored on the medium (Col 2, lines 62-66 “The display processing apparatus according to the invention further includes a thumbnail creation mechanism for creating a thumbnail of a selected image file and storing the created thumbnail in a storage mechanism in association with the selected image file”).

As taught by Takemoto, the storage of thumbnails associated with image data is well known and widely used, permitting the user ease of selection of a desired clip or image.


Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Peters et al to include the storage of thumbnail images in association with image data in a file.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF
1 September 2005


James J. Groody
Supervisory Patent Examiner
Art Unit 262-2616